

## REMARKS

Reconsideration and allowance of pending Claims 1-11, 13-18, 20-34, 37, 38, and 46-56, in view of the following remarks, are respectfully requested.

### Rejections under 35 U.S.C. §103(a)

The following rejections under 35 U.S.C. §103(a) were made in the outstanding Office Action:

- Claims 1, 3-11, 13-18, 20, 22, 24, 25, 27-34, 37, 38, 46, 48-50, and 53-56 were rejected as being unpatentable over Erlanger (U.S. Patent 6,594,635; hereafter "Erlanger") in view of Wu (U.S. Patent 7,200,570; hereafter "Wu"), and further in view of Boarman, *et al.*, (U.S. Patent 6,609,112; hereafter "Boarman");
- Claims 2, 21, 26, 47, 51, and 52 were rejected over Erlanger in view of Wu and further in view of Klaus (U.S. Patent 7,080,020; hereafter "Klaus"); and
- Claim 23 was rejected over Erlanger in view of Wu, in further view of Klaus, and further in view of Growney, *et al.*, (U.S. Patent 7,062,460; hereafter "Growney").

Applicant respectfully traverses these rejections for at least the reasons that follow, and further requests that these rejections be reconsidered and withdrawn.

Applicant respectfully disagrees with the characterization of Erlanger, Wu, and Boarman, with regard to **Claim 1**. In particular, Applicant respectfully submits that none of Erlanger, Wu, or Boarman teach or suggest, at least the following features recited in Claim 1:

accepting bids for at least a portion of the capacity, wherein the step of accepting bids comprises  
providing a status for the bids, the status comprising one of OK, Partial OK, and Excluded;  
ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids; and

consummating a contract for the sale of at least a portion of the reinsurance product to holders of winning bids, wherein a status of OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filled, and a status of Excluded denotes that a bid has not been accepted.

More particularly, going beyond the acknowledgement that Erlanger does not teach “sale of product (reinsurance) through action and ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids,” Applicant submits that Erlanger does not teach, or even suggest, “providing a status for the bids, the status comprising one of OK, Partial OK, and Excluded,” as in Claim 1. That is, although the rejection states that teaching to that effect is found at col. 13, lines 40-45 of Erlanger, the cited portion of the reference actually describes three possible outcomes of a comparison of an insurance solicitation to underwriting standards stored in an underwriting standard database to identify a selected insurer and a prioritized list of alternative insurers, which is unrelated to the calculated profitability value or time stamp of the bids.

Even further, contrary to the assertion on page 3 of the Office Action, the three possible outcomes are completely unrelated to steps 313 and 314 (Erlanger, col. 19, line 58 – col. 20, line 24) that describe the receiving of bids to buy reinsurance and the compiling of related statistics. That is, the three possible outcomes are not the statistics compiled at step 314. The possible outcomes are (Erlanger, col. 13, lines 45-51):

1. The insurance solicitation does not satisfy any underwriting standard;
2. The insurance solicitation satisfies only one underwriting standard; or
3. The insurance solicitation satisfies two or more underwriting standards.

Thus, Erlanger lacks any recitation regarding the providing of a status for bids accepted for at least a portion of a capacity of a reinsurance product to be sold, as is presently claimed.

Claim 1 goes on to further recite, "wherein a status of OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filled, and a status of Excluded denotes that a bid has not been accepted." Applicant respectfully submits that, not only is it acknowledged in the rejection that Erlanger does not "teach a status of Partial OK allows only a portion of requested capacity will be filled," there is no recitation, whatsoever, provided by Erlanger that even suggests that the comparison of an insurance solicitation to underwriting standards is even remotely related to the bid statuses recited in Claim 1.

Applicant respectfully submits that neither Wu nor Boarman compensate for the deficiencies of Erlanger, relative to Claim 1, as described above. Therefore, Applicant submits that there is no teaching or even suggestion provided by Erlanger, Wu, or Boarman that would have led one of ordinary skill to even consider providing a status of auction bids as recited in independent Claim 1.

The rejection continues by acknowledging that Erlanger does "not teach sale of product (reinsurance) through auction and ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids," as recited in Claim 1. The rejection continues, though, to submit that Wu compensates for the acknowledged deficiency of Erlanger by citing Wu, Fig. 2; col. 2, lines 36-43; col. 3, lines 37-39; and col. 6, lines 36-43. Applicant respectfully disagrees.

In particular, the “ranking” of Claim 1 is implemented as part of the recited step of, “*accepting bids*,” (emphasis added). On the other hand, Wu describes bids having multiple attributes *to be submitted by bidders* before the bids are submitted (Wu, col. 2, lines 40-45). Thus, Wu describes a bid being assigned one or more attributes by the bidder without any *ranking* of the bids based on the attributes by the bidder, and there is no implication to that effect. That is, the *bidder*, as contemplated by Wu, is unable to even calculate a profitability value of the bid to be submitted or have knowledge of a time stamp *for each of the bids*, as recited in Claim 1. Accordingly, one of ordinary skill is presented with no teaching that would even lead to consideration of a ranking of bids considering a calculated profitability value and time stamp for each bid, as in Claim 1.

The rejection of Claim 1 concludes with an acknowledgement that Erlanger does “not teach a status of Partial OK allows only a portion of requested capacity will be filled.” Applicant respectfully submits that Boarman does not compensate for the lack of description, or even suggestion, by Erlanger of the claimed Partial OK; both references also fail to provide a connection between the comparison of an insurance solicitation to underwriting standards, described by Erlanger, to a partial acceptance of a bid, as described by Boarman.

In particular, Claim 1 recites “providing a status for the bids, the status comprising one of OK, Partial OK, and Excluded,” as *part* of the recited “accepting bids for at least a portion of the capacity.” The other part of the “accepting bids for at least a portion of the capacity,” being “ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids.” On the other hand, Boarman describes a “partial acceptance flag” by which a

*bidder* indicates a willingness to accept a number of items less than that specified by the quantity requested value (Boarman, col. 2, lines 19-29). There is no teaching, or suggestion, to the effect that the “partial acceptance flag” is at all part of the *acceptance* of bids in cooperation with the *ranking* of such bids, as is presently claimed. Therefore one of ordinary skill would not have even contemplated the claimed providing of a status for the bids, as is presently claimed.

Accordingly, for at least the reasons set forth above, it is respectfully submitted that Claim 1 is clearly distinguishable over the proposed combination of Erlanger, Wu, and Boarman. As a result, Applicant further submits that Claims 3-11, which depend from Claim 1, are also distinguishable over Erlanger, Wu, and Boarman for at least the reasons set forth above.

With regard to **Claim 13**, it is respectfully submitted that the proposed combination of Erlanger, Wu, and Boarman do not provide sufficient teaching to one of ordinary skill to render Claim 13 obvious.

The rejection acknowledges that Erlanger does “not teach determining whether a calculated profitability value of the at least one bid is acceptable and indicating to the bidder whether the at least one bid is accepted at least on the calculated profitability value,” as recited in Claim 13. The rejection continues by arguing that Wu compensates for the acknowledged deficiency of Erlanger, citing Wu col. 62, lines 43-51. Applicant respectfully disagrees.

In particular, there is no teaching by which Wu, or even Erlanger, could implement the claimed “*determining* whether a calculated profitability value of the at least one bid is acceptable,” (emphasis added). That is, Wu describes bids having

multiple attributes *being submitted by bidders* before the bids are submitted (Wu, col. 2, lines 40-45). Thus, since the *bidder* is the actor described by Wu, there is no process or means by which the profitability value of the bid to be submitted may be determined, and there is no implication to that effect. Thus, since the *bidder*, as contemplated by Wu, does not calculate a profitability value of the bid to be submitted or have knowledge of a time stamp *for each of the bids*, as recited in Claim 13, one of ordinary skill is presented with no teaching that would even lead to determining a calculated profitability value for each bid.

The rejection of Claim 13 also includes an acknowledgement that Erlanger does “not teach a status of Partial OK allows only a portion of requested capacity will be filled.” Applicant respectfully submits that Boarman does not compensate for the lack of description, or even suggestion, by Erlanger of the claimed Partial OK; both references also fail to provide a connection between the comparison of an insurance solicitation to underwriting standards, described by Erlanger, to a partial acceptance of a bid, as described by Boarman.

In particular, Claim 13 recites “providing a status for the bids, the status comprising one of OK, Partial OK, and Excluded, wherein the status of OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filled, and a status of Excluded denotes that a bid has not been accepted,” as part of an *indication to the bidder* whether at least one bid is accepted “based at least on the calculated profitability value.” On the other hand, Boarman describes a “partial acceptance flag” by which a *bidder* indicates a willingness to accept a number of items less than that specified by the quantity requested value (Boarman, col. 2, lines 19-29).

There is no teaching, or suggestion, to the effect that the “partial acceptance flag” is at all part of the *acceptance* of bids to be *indicated* to the bidder, as is presently claimed. Therefore one of ordinary skill would not have even contemplated the claimed providing of a status for the bids, as is presently claimed.

Accordingly, for at least the reasons set forth above, it is respectfully submitted that Claim 13 is clearly distinguishable over the proposed combination of Erlanger, Wu, and Boarman. As a result, Applicant further submits that Claims 12-18, 20, 22, and 24, which depend from Claim 13, are also distinguishable over Erlanger, Wu, and Boarman for at least the reasons set forth above.

With regard to Claim 25, it is respectfully submitted that the proposed combination of Erlanger, Wu, and Boarman do not provide sufficient teaching to one of ordinary skill to render Claim 25 obvious.

The rejection acknowledges that Erlanger does “not teach sale of product (reinsurance) through auction and ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids,” as recited in Claim 25. The rejection continues, though, to submit that Wu compensates for the acknowledged deficiency of Erlanger by citing Wu, Fig. 2; col. 2, lines 36-43; col. 3, lines 37-39; and col. 6, lines 36-43. Applicant respectfully disagrees.

In particular, the “ranking” of Claim 25 is implemented subsequent to the recited step of, “*receiving bids*,” (emphasis added). On the other hand, Wu describes bids having multiple attributes *to be submitted by bidders, i.e.,* before the bids are submitted (Wu, col. 2, lines 40-45). Thus, Wu describes a bid being assigned one or more attributes by the bidder without any *ranking* of the bids based on the attributes by the

bidder, and there is no implication to that effect. That is, the *bidder*, as contemplated by Wu, is unable to calculate a profitability value of the bid to be submitted or have knowledge of a time stamp *for each of the bids*, as recited in Claim 25. Accordingly, one of ordinary skill is presented with no teaching that would even lead to consideration of a ranking of bids considering a calculated profitability value and time stamp for each bid, as in Claim 25.

The rejection of Claim 25 concludes with an acknowledgement that Erlanger does “not teach a status of Partial OK allows only a portion of requested capacity will be filled.” Applicant respectfully submits that Boarman does not compensate for the lack of description, or even suggestion, by Erlanger of the claimed Partial OK; both references also fail to provide a connection between the comparison of an insurance solicitation to underwriting standards, described by Erlanger, to a partial acceptance of a bid, as described by Boarman.

In particular, Claim 25 recites “notifying the buyers of a status of their respective bids...the status comprises one of OK, Partial OK, and Excluded, wherein the status of OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filled, and a status of Excluded denotes that a bid has not been accepted,” *subsequent* to the claimed “ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids.” On the other hand, Boarman describes a “partial acceptance flag” by which a *bidder* indicates a willingness to accept a number of items less than that specified by the quantity requested value (Boarman, col. 2, lines 19-29. There is no teaching, or suggestion, to the effect that the “partial acceptance flag” is related to the ranking of



bids, as is presently claimed. Therefore one of ordinary skill would not have even contemplated the claimed providing of a status for the bids, as is presently claimed.

Accordingly, for at least the reasons set forth above, it is respectfully submitted that Claim 25 is clearly distinguishable over the proposed combination of Erlanger, Wu, and Boarman. As a result, Applicant further submits that Claims 27-34, 37, and 38 which depend from Claim 25, are also distinguishable over Erlanger, Wu, and Boarman for at least the reasons set forth above.

Applicant respectfully submits that the system recited in **Claim 46**, in particular the web server recited therein, is distinguishable over the proposed combination of Erlanger, Wu, and Boarman.

In particular, it is acknowledged that Erlanger does not "teach an auction and auction participant database and an auction ranking element engine, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids." The rejection continues, though, to submit that Wu compensates for the acknowledged deficiency citing Wu, Fig. 2; col. 2, lines 36-43; col. 3, lines 37-39; and col. 6, lines 36-43. Applicant respectfully disagrees.

In particular, the "ranking" of Claim 46 is implemented relative to "bids *submitted* to the database," (emphasis added). On the other hand, Wu describes bids having multiple attributes before the bids are submitted (Wu, col. 2, lines 40-45). Thus, Wu describes a bid being assigned one or more attributes by the bidder without any *ranking* of the bids based on the attributes by the bidder, and there is no implication to that effect. That is, the *bidder*, as contemplated by Wu, is not able to calculate a profitability value of the bid to be submitted or have knowledge of a time stamp *for*

*each of the bids*, as recited in Claim 46. Accordingly, one of ordinary skill is presented with no teaching that would even lead to consideration of a ranking of bids considering a calculated profitability value and time stamp for each bid, as in Claim 46.

The rejection of Claim 46 concludes with an acknowledgement that Erlanger does “not teach a status of Partial OK allows only a portion of requested capacity will be filled.” Applicant respectfully submits that Boarman does not compensate for the lack of description, or even suggestion, by Erlanger of the claimed Partial OK; both references also fail to provide a connection between the comparison of an insurance solicitation to underwriting standards, described by Erlanger, to a partial acceptance of a bid, as described by Boarman.

In particular, Claim 46 recites “the auction ranking element engine provides a status of their respective bids, and wherein a status of OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filled, and a status of Excluded denotes that a bid has not been accepted,” *subsequent* to the claimed “ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids.” On the other hand, Boarman describes a “partial acceptance flag” by which a *bidder* indicates a willingness to accept a number of items less than that specified by the quantity requested value (Boarman, col. 2, lines 19-29). There is no teaching, or suggestion, to the effect that the “partial acceptance flag” is related to the ranking of bids, as is presently claimed. Therefore one of ordinary skill would not have even contemplated the claimed providing of a status for the bids, as is presently claimed.

Accordingly, for at least the reasons set forth above, it is respectfully submitted that Claim 46 is clearly distinguishable over the proposed combination of Erlanger, Wu, and Boarman. As a result, Applicant further submits that Claims 48-50 and 53, which depend from Claim 46, are also distinguishable over Erlanger, Wu, and Boarman for at least the reasons set forth above.

With regard to **Claim 54**, it is respectfully submitted that the proposed combination of Erlanger, Wu, and Boarman do not provide sufficient teaching to one of ordinary skill to render Claim 54 obvious.

The rejection acknowledges that Erlanger does “not teach offering the product for sale through auction and ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids,” as recited in Claim 54. The rejection continues, though, to submit that Wu compensates for the acknowledged deficiency of Erlanger, citing Wu, Fig. 2; col. 2, lines 36-43; col. 3, lines 37-39; and col. 6, lines 36-43. Applicant respectfully disagrees.

In particular, the “ranking” of Claim 54 is implemented subsequent to the recited step of, “*accepting bids*,” (emphasis added). On the other hand, Wu describes bids having multiple attributes *being submitted by bidders* before the bids are submitted (Wu, col. 2, lines 40-45). Thus, Wu describes a bid being assigned one or more attributes by the bidder without any *ranking* of the bids based on the attributes by the bidder, and there is no implication to that effect. That is, the *bidder*, as contemplated by Wu, is unable to even calculate a profitability value of the bid to be submitted or have knowledge of a time stamp *for each of the bids*, as recited in Claim 54. Accordingly, one of ordinary skill is presented with no teaching that would even lead to

consideration of a ranking of bids considering a calculated profitability value and time stamp for each bid, as in Claim 54.

The rejection of Claim 54 concludes with an acknowledgement that Erlanger does "not teach a status of Partial OK allows only a portion of requested capacity will be filled." Applicant respectfully submits that Boarman does not compensate for the lack of description, or even suggestion, by Erlanger of the claimed Partial OK; both references also fail to provide a connection between the comparison of an insurance solicitation to underwriting standards, described by Erlanger, to a partial acceptance of a bid, as described by Boarman.

In particular, Claim 54 recites "notifying the buyers of a status of their respective bids...the status comprises one of OK, Partial OK, and Excluded, wherein the status of OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filled, and a status of Excluded denotes that a bid has not been accepted," *subsequent* to the claimed "ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids." On the other hand, Boarman describes a "partial acceptance flag" by which a *bidder* indicates a willingness to accept a number of items less than that specified by the quantity requested value (Boarman, col. 2, lines 19-29. There is no teaching, or suggestion, to the effect that the "partial acceptance flag" is related to the ranking of bids, as is presently claimed. Therefore one of ordinary skill would not have even contemplated the claimed providing of a status for the bids, as is presently claimed.

Accordingly, for at least the reasons set forth above, it is respectfully submitted that Claim 54 is clearly distinguishable over the proposed combination of Erlanger, Wu,

and Boarman. As a result, Applicant further submits that Claims 55 and 56 which depend from Claim 54, are also distinguishable over Erlanger, Wu, and Boarman for at least the reasons set forth above.

Therefore, for at least the reasons set forth above, it is respectfully submitted that the rejection of Claims 1, 3-11, 13-18, 20, 22, 24, 25, 27-34, 37, 38, 46, 48-50, and 53-56 under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

Regarding dependent **Claims 2, 21, 26, 47, 51, and 52**, it is respectfully submitted that Klaus does not compensate for the above deficiencies of Erlanger, Wu, and Boarman, relative to the respective independent claims from which the presently rejected claims depend. Therefore, it is respectfully submitted that the present rejection under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

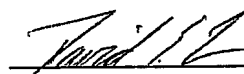
Regarding dependent **Claim 23**, it is respectfully submitted that Klaus and Growney do not compensate for the above deficiencies of Erlanger, Wu, and Boarman, relative to the respective independent claims from which the presently rejected claims depend. Therefore, it is respectfully submitted that the present rejection under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

### CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application is now condition for allowance, and a Notice to that effect is earnestly solicited. However, if there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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